

STATE OF CALIFORNIA
Budget Change Proposal - Cover Sheet
 DF-46 (REV 08/15)

Fiscal Year 2016-17	Business Unit 3940	Department State Water Resources Control Board	Priority No. 29
Budget Request Name 3940-029-BCP-BR-2016-GB		Program 3560 -WATER QUALITY 3570 - WATER RIGHTS	Subprogram

Budget Request Description
 Medical Marijuana Implementation (AB 243, AB 266, SB 643)

Budget Request Summary

The State Water Resources Control Board (State Water Board) requests 35 positions and \$5.7 million (\$5.2 million General Fund and \$472,000 Waste Discharge Permit Fund) to address water quality-related impacts of medical cannabis cultivation and the effects of water diversions and instream flows. This proposal funds implementation of Legislative directives to address and mitigate the impacts of medical cannabis cultivation on the environment through two efforts that: (1) expand the current, north-state-focused joint pilot project with the Department of Fish and Wildlife (DFW) to address damage occurring to the state's natural resources resulting from marijuana cultivation on public and private lands in California (the water quality mandate); and (2) address water supply and instream flow impacts through consultation with the Department of Food and Agriculture and DFW to provide for protecting instream flows with respect to the adverse effects of water diversion and discharge associated with cannabis cultivation.

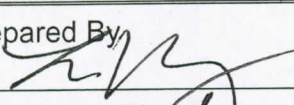
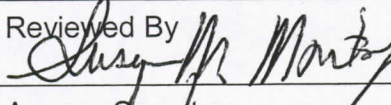


Requires Legislation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Code Section(s) to be Added/Amended/Repealed
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Does this BCP contain information technology (IT) components? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If yes, departmental Chief Information Officer must sign.</i>	Department CIO	Date
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For IT requests, specify the date a Special Project Report (SPR) or Feasibility Study Report (FSR) was approved by the Department of Technology, or previously by the Department of Finance.

☐ FSR ☐ SPR Project No. Date:

If proposal affects another department, does other department concur with proposal? ☒ Yes ☐ No
 Attach comments of affected department, signed and dated by the department director or designee.

Prepared By 	Date 1/7/16	Reviewed By 	Date 1/7/16
Department Director 	Date 1/7/16	Agency Secretary 	Date 1/7/16

Department of Finance Use Only

Additional Review: ☐ Capital Outlay ☐ ITCU ☐ FSCU ☐ OSAE ☐ CALSTARS ☐ Dept. of Technology

BCP Type: ☐ Policy ☐ Workload Budget per Government Code 13308.05

PPBA Original Signed By: Ellen Moratti Date submitted to the Legislature **JAN 11 2016**

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A. Budget Request Summary

The State Water Board requests 35 positions and \$5.7 million (\$5.2 million General Fund and \$472,000 Waste Discharge Permit Fund) to address water quality-related impacts of medical cannabis cultivation and the effects of water diversions and instream flows. This amount includes \$1 million in 2016-17 contract funding and an additional \$5 million contract funding over the following four fiscal years. The State Water Board has various responsibilities related to the use of water in California, two of which are to protect the quality of California's waters and oversee the allocation of water (i.e., instream flows and water rights). This BCP requests resources for the State Water Board's two separate mandates under Chapter 688, Statutes of 2015 (AB 243). The resources needed to address these two mandates are discussed separately throughout the BCP for clarity.

This budget authority would fund the State Water Board's two larger efforts to comply with the Legislature's water quality- and instream flow-related mandates related to the regulation of cannabis cultivation.

1. **Water Quality Effort (13.0 positions):** The State Water Board proposes to address water quality impacts through expansion of the current, north-state-focused joint pilot project with the Department of Fish and Wildlife (DFW) to address damage occurring to the state's natural resources resulting from cannabis cultivation on public and private lands in California.
2. **Instream Flow Effort (22.0 positions):** The State Water Board proposes to address instream flow impacts associated cannabis cultivation through three actions: (a) interim flow requirements; (b) regional instream flow policies; and (c) expansion of the registration program and processing of water right registrations and applications to appropriate water (i.e., permits). This work would be done in consultation with the California Department of Food and Agriculture (CDFA) and DFW to so that individual and cumulative effects of water diversion and discharge associated with cannabis cultivation do not affect the instream flows needed for fish spawning, migration, and rearing, and the flows needed to maintain natural flow variability.

Water Quality Request:

The State Water Board requests a total of \$1.8 million (\$1.3 million General Fund and \$472,000 Waste Discharge Permit Fund) for 13.0 positions to comply with the Legislature's water quality-related mandate to extend the current, north-state-focused cannabis regulation task force pilot project statewide. The pilot project is a task force and priority-driven approach to address the natural resources damages from cannabis cultivation, primarily on private lands in northern California, but also in targeted partnerships with the DFW on high conservation value state public lands. The \$1.8 million is in addition to the \$1.4 million currently funding 11 limited-term Water Board positions through the end of Fiscal Year 2016-17. This amount of funding would allow the State Water Board to initially implement a credible water quality protection and enforcement program in the three priority regions of the state where marijuana cultivation has the most adverse environmental impacts on private land. (North Coast Region, Central Valley Region, and Central Coast Region.)

There are four elements to the existing joint water quality pilot project that the State Water Board is directed to extend statewide: (1) permitting, (2) enforcement, (3) education and outreach, and (4) coordination with other agencies. The lessons learned through this pilot project will be incorporated into the administration's efforts to design, build, and implement a larger, more comprehensive program to address the environmental impacts from cannabis cultivation. The multi-disciplinary task force formed under the pilot project will also develop a long-term scientific monitoring and permitting program. The existing joint pilot project is focused on the north coast region of California and will be extended statewide.

Water Rights and Instream Flow Request:

The State Water Board requests \$3.9 million General Fund for 22.0 positions and \$6 million in contract funding (over 5 years). The 22.0 positions will be used to comply with the Legislature's water rights and instream flow-related mandate so that individual and cumulative effects of water diversion and discharge

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associated with cannabis cultivation protect instream flows needed for fish spawning, migration, and rearing, and the flows needed to maintain natural flow variability. (Bus. & Prof. Code, § 19332, subd. (d).)

There are three main elements to the water rights and instream flow-related request: (1) establishment of interim flow requirements to provide immediate and minimal protection of fishery resources; (2) tailored regional policies for appropriation of water to limit further degradation of impacted streams; and (3) permitting and registration of water diversions associated with cannabis cultivation activities. The goal of this approach is provide interim minimal protection of the fishery resources while more comprehensive protections are developed under the regional policies and other long-term tributary-specific instream flow efforts.

B. Background/History

See Attachment A for resource and workload history tables.

Cannabis Cultivation in California:

California produces more marijuana from outdoor grows than any other state. Marijuana may be the state's largest cash crop, with some publications estimating its annual value at \$10-\$14 billion. Land is being converted for cannabis cultivation faster than ever before. In some watersheds, the area cultivated has doubled in the last three years. The individual and cumulative effects of cannabis cultivation on public and private lands threaten public safety, impact wildlife, pollute the land and streams, and destroy habitat. Cannabis cultivation can generally be categorized as: (1) illegal cultivation on public lands; and (2) legal cultivation on private lands.

Cannabis Cultivation on Public Lands

The illegal cultivation of cannabis on public lands in California, which is often conducted by cartels, presents a real and dangerous crisis for law enforcement as well as the environment.

According to a White House webpage for the Office of National Drug Control Policy:

The United States has an abundance of public lands set aside by Congress for conservation, recreational use, and enjoyment of the citizens of this country and visitors from around the globe. Unfortunately, criminal organizations are exploiting some of our most pristine public and tribal lands as grow sites for marijuana.

During calendar year 2010, nearly 10 million plants were removed from illegal outdoor grow sites in seven states: California, Hawaii, Washington, Oregon, Kentucky, Tennessee, and West Virginia. More than 46 percent of the marijuana plants eradicated in 2010 were eradicated from public and tribal lands. The U.S. Forest Service reports that nearly 88 percent of the 3,531,443 plants eradicated from National Forests were eradicated in California. Marijuana grow sites are typically in excess of 1,000 plants per site and sometimes more than 200,000.

California State Parks (California Department of Parks and Recreation) has 270 park units and approximately 1.4 million acres of public lands. DFW manages and owns over 1 million acres and hundreds of wildlife areas and ecological reserves. The California Department of Forestry and Fire Protection manage demonstration state forests totaling 71,000 acres. The state's public lands are impacted from illegal cartel operations growing marijuana. The same is true for illegal operations on federal U.S. Forest Service, Bureau of Land Management, and National Parks lands in California. This proposal would focus enforcement and compliance efforts on private lands and the state's public lands throughout the state.

Cannabis Cultivation on Private Lands

The legal cultivation of marijuana on private lands in California is conducted under the auspices of the Compassionate Use Act of 1996 and Health and Safety Code Section 11362.7 et seq., which created a safe harbor for those who grow marijuana on private land for medicinal purposes. However, determining whether and to what extent cannabis cultivation on private lands is legal under state law is extremely complicated. In addition, nearly all of the cultivation on private lands is occurring without

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regard to otherwise applicable laws and regulations related to land use, natural resources, species protections or water diversion and use .

The impacts of producing cannabis cultivation on private lands continue to increase across California. The rapid increase is best illustrated in northern California. A DFW pilot study using aerial surveys (results and review not finalized) of four small watersheds in Humboldt and Mendocino counties found the number of acres in cultivation doubled from 2009 to 2012, with an estimated 500 individual operations and approximately 30,000 plants in each of these small watersheds. DFW concludes private land marijuana cultivation has grown so much on the north coast that Coho salmon, a state and federally-listed species, may go extinct in the near future, if this problem is not immediately addressed. The State and Regional Water Boards have observed significant land clearing activities resulting in sediment discharges to many high value surface waters in the north state, nutrient loading from fertilizers, and stream diversions that result in dangerously low water levels.

Most of the growers on private land claim a right to grow under Proposition 215, but the grows cause significant environmental damage throughout California. While some growers may have good intentions but not know better; the majority of growers appear to proceed with reckless disregard for their natural surroundings. In some regions of California, unregulated marijuana growing may now be the primary threat to water quality and other beneficial uses such as salmon and steelhead and their habitats. The iconic species most directly affected by private land (non-trespass) marijuana grows include: Coho salmon; Chinook salmon, steelhead trout; coastal cutthroat trout; southern torrent salamander; tailed frog; northern spotted owl; and, Pacific fisher. These are just the rare (listed) and sensitive species being threatened by this activity. Other species such as deer, bear, and various birds are also being harmed.

Whether on public or private land, the sheer scale of the impact from marijuana cultivation on public and private lands in California is enormous. It is estimated that one marijuana plant consumes approximately eight gallons of water per day. The marijuana plants eradicated by DFW between January 1, 2014 and August 8, 2014 alone, consumed 2,145,752 gallons of stolen water per day for plants in the ground. If these plants were in the ground for only 30 days they would have consumed 64,372,560 gallons of stolen water. A normal growing period to achieve a mature marijuana plant is typically 120 to 150 days. Costs to reclaim damaged lands and remediate impacts range from \$2,000 to \$14,000 per acre on public lands to as high as \$30,000 to \$50,000 per acre on private lands.

The enacted Legislation directs the State Water Board to expand the existing multi-agency task force pilot project with DFW to address these and other adverse environmental impacts associated with cannabis cultivation, and to consult with the Department of Food and Agriculture to ensure that the effects of water diversion and discharge do not have an adverse effect on instream flows needed for fish and to maintain natural variability. This proposal funds staff to gradually expand the pilot project with a focus in the most impacted and high-value watersheds

Many streams which serve as habitat for endangered and threatened species, particularly in Northern California, have been affected by rapid proliferation of cannabis cultivation. While current staff performed 100 inspections last year, it was only able to inspect cultivation sites on some of the streams containing critical habitat within the pilot project area. Many other streams containing critical habitat within the pilot project area were not inspected. Some of these streams, including the Mattole and Navarro River watersheds have been acutely impacted with sediment, and suffered low flows for the last two years, imperiling the salmon populations, which have a three year life cycle. Moreover, the task force was not able to respond to complaints from citizens, or to inspect cultivation sites on known-impacted streams that are drinking water supplies, but not critical habitat. The 13 PYs would allow the State Water Board to inspect and help protect more imperiled streams within the pilot project area, and to also have resources to begin deploying to protect impacted drinking water supplies.

The work of the pilot project team was confined to Northern California, and not able to service the highly-impacted central coast Region from Santa Cruz to Santa Barbara, where many endangered steelhead reside in the coastal streams and there are thousands of cultivation sites. With the 13 PYs to be funded under this BCP, the Water Boards would be able to expand critical functions in the pilot

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project area, as described above, and provide three new staff to the Central Coast Regional Board Office, thereby expanding the reach of the pilot project in to this critical area.

Water Quality (Pilot Project) Background

Under the pilot project, the State Water Board and DFW have inspected over 100 cannabis cultivation sites, provided the cultivators with inspection reports identifying environmental problems and issued dozens of notices of violations, compliance orders and administrative liability complaints. The North Coast Regional Water Quality Control Board and the Central Valley Regional Water Quality Control Board have adopted permit schemes to regulate cultivators on private land. The Water Boards have engaged in over 50 public outreach events and efforts to education cultivators about best management practices and over 50 meetings with city, county and other state agency officials to coordinate our efforts at regulation and enforcement. These efforts will continue to be focused in the north-state pilot project area, but also will be expanded to cover the Central Coast region and areas of the central and southern Sierra foothills that are within the Central Valley Regional Board's jurisdiction.

Water Rights and Instream Flows Protection (Interim Flows, Policies and Water Rights Registrations/Permitting)

Instream Flow and Related Policies:

The need to address and protect instream flows is recognized by the Legislature. Section 85087 of the Water Code, enacted as part of Chapter 5, Statutes of 2009, from the Seventh Extraordinary Session (SB X7 1, Simitian) required the State Water Board to submit to the Legislature, by December 31, 2010, a prioritized schedule and estimate of costs to complete instream flow studies for high priority rivers and streams in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta) watershed and all major rivers and streams outside the Sacramento River. The purpose of these instream flow studies is for the protection of public trust resources. Public trust refers to the protection of resources, such as fisheries, wildlife, aesthetics, and navigation, which are held in trust for the public. The State Water Board's report to the Legislature (Instream Flow Studies for the Protection of Public Trust Resources: A Prioritized Schedule and Estimate of Costs; December 2010) identified 138 rivers and streams for instream flow studies with an estimated cost of \$139.7 million to conduct such studies.

In 2010, the State Water Board adopted the Policy for Maintaining Instream Flows in Northern California Streams (Northern California Instream Flow Policy). The Northern California Instream Flow Policy establishes principles and guidelines for maintaining instream flows for the protection of fishery resources, while minimizing the water supply impacts of the policy on other beneficial uses, including irrigation, municipal use and domestic use. The geographic scope of the Northern California Instream Flow Policy encompasses coastal streams from the Mattole River to San Francisco and coastal streams entering northern San Pablo Bay. It extends to five counties: Marin, Sonoma, and portions of Napa, Mendocino, and Humboldt counties.

Since 2011, the State Water Board has been working to establish enhanced flows in stream systems. Within the State Water Board's Division of Water Rights, the Public Trust Unit is focused on developing flow objectives for priority tributaries to the Sacramento River, in support of the Bay-Delta activities. In 2015, the State Water Board's Division of Water Rights Instream Flow Unit was created to enhance stream flows in five tributaries throughout the state (Mark West Creek, Mill Creek, Shasta River, South Fork Eel River, and Ventura River, in coordination with the California Department of Fish and Wildlife, under Action 4 of the California Water Action Plan. However, due to limited resources, the current effort is focused on the Bay-Delta watershed and the five tributaries identified as part of the Action Plan effort, and does not extend statewide. These are long-term efforts designed to enhance flows to address fishery streamflow needs with consideration of other beneficial uses of water. These long-term efforts will not address the short-term need to protect instream flows for fishery resources in light of existing and new diversions for medical cannabis cultivation.

In 2014 and 2015, the State Water Board adopted and implemented drought emergency regulations to protect fishery resources. In 2014 the State Water Board adopted the Curtailment of Diversions due to Insufficient Flow for Specific Fisheries, which applied to Mill, Deer, and Antelope Creeks (tributaries to

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the Sacramento River) – California Code of Regulations §877. In 2015, the State Water Board again adopted the Mill, Deer, and Antelope Creeks emergency regulation and adopted a new emergency regulation (Emergency Actions due to Insufficient Flow for Specific Fisheries in Tributaries to the Russian River – California Code of Regulations §876) for four Russian River tributaries (Dutch Bill Creek, Green Valley Creek, Mark West Creek, and Mill Creek). These emergency regulations required immediate actions to provide minimal protection to fisheries resources during the drought, which is similar to the proposed interim flow requirement effort. Whereas the drought emergency regulations provide protection to specific fisheries in specific watersheds, interim flow requirements would be developed to more broadly address the instream flow needs associated with cannabis cultivation activities throughout the state. A significant portion of the emergency regulation work was done with redirected staff from the Public Trust Unit and Office of Chief Counsel, which has delayed important long-term instream flow efforts associated with Phase 4 of the Bay-Delta effort.

Water Rights:

As described above, cannabis operations use significant quantities of water. In many areas, this water comes exclusively from rivers and streams. The cannabis growing season overlaps with California's dry season. Where there are small streams or concentrated cannabis operations, historic perennial streams can be dramatically reduced or sucked dry completely. Both fishery resources and downstream users can be affected by the cannabis diversions. The State Water Board has a responsibility to administer a water rights system that protects public trust resources and the rights of other water rights holders.

Ongoing public trust enforcement, the Regional Board permitting structure and the new legislation will move cannabis cultivators who have historically relied upon riparian water rights to develop water storage capability. This will provide them a more reliable water source as well as avoid the diversion of water during the summer, when water is scarce and what little remains needs to stay instream to keep fish and other aquatic resources in good condition. Development of water storage requires an appropriative water right.

A water right application is a request for a permit from the state to appropriate water, and represents the traditional pathway to acquire an appropriative water right since 1914. The application process can be complicated, however, as the State Water Board is required to consider many requirements before issuing a permit, including: compliance with the California Environmental Quality Act (CEQA), consistency with State Water Board policies, results of any protests of the water right application, consideration of the project's effects on public trust, and the availability of unappropriated water for the project described in the water right application. Due to the significant regulatory requirements, there is currently a large backlog of pending water right applications, and many cannabis cultivators will likely file for a water right through the water right registration process, an alternative approach to acquire a small appropriative water right.

The water right registration process was first established in 1989 by the Legislature to provide a timely, efficient, and economic procedure to acquire a small appropriative water right that is available for three main types of uses: domestic, stock watering, and irrigation. The process requires filing of paperwork and fees, and may also require some limited studies to support the registration. Once approved, a water right registration is subject to renewal, and potential change, every five years. In addition, DFW also has the ability to develop specific conditions on the diversion and use of surface water. Although the irrigation registration program is available, it is presently limited to a relatively small portion of the state. The geographic scope of the registration program for irrigation does not include many areas where cannabis cultivation is occurring.

Due to the small scale of operations likely to be licensed by CDFA through the new medical marijuana authority, many cannabis cultivators seeking state water right compliance will likely pursue water under a water right registration.

The State Water Board will focus efforts to expand the geographic area for irrigation registrations to include the areas where large cannabis cultivation operations are occurring. Once established, the State Water Board will process the registrations that are received accordingly.

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In the interim, until the irrigation registration program is expanded, cannabis cultivators in most areas of the state who need to acquire appropriative permits will need to file the more complex water right applications.

Currently, the State Water Board application form specifies irrigation, but does not require applicants to identify crop. Thus, it is not possible to reflect this new, unique workload in the workload history related to the new program, and the information in the workload history table reflects this reality.

Related Authorities:

The State Water Board holds dual responsibilities of allocating surface water rights and protecting water quality. The State Water Board allocates water through an administrative system that is intended to maximize the beneficial uses of water while protecting the public trust, serving the public interest, and preventing the waste and unreasonable use or method of diversion of water. State water quality law requires the adoption of Water Quality Control Plans and Policies that identify existing and potential beneficial uses of waters of the state and establish water quality objectives to protect these uses. These water quality objectives include flow objectives.

The State Water Board administers the water rights program primarily under Division 2 of the Water Code, and California Code of Regulations, title 23, Division 3. State law provides the State Water Board with continuing authority to prevent waste and unreasonable use of water. This authority is found in Article X, section 2 of the California Constitution, as well as Water Code sections 100, 104, 105, and 275. Case law recognizes the State Water Board's authority to protect public trust resources (See *National Audubon Society v. Superior Court* (1983) 33 Cal. 3d 419.) The State Water Board can also conduct any investigations necessary to exercise its authority. (Wat. Code, § 183, see id., §1051, 13165.)

The State Water Board is the state agency with primary authority over water quality under both the State Porter-Cologne Water Quality Act and federal Clean Water Act. This includes the authority to adopt water quality objectives, including flow objectives, and programs of implementation to achieve these objectives. The State Water Board may implement these flow objectives by specifying minimum bypass flows in conditions of a water right. The State Water Board may also implement flows under its water quality authority through the establishment of minimum instream flows in Clean Water Act water quality certifications.

C. State Level Considerations

The State Water Board, through its Division of Water Rights, investigates reports of illegal diversions and conducts targeted inspections. However, the Water Rights enforcement statutes are cumbersome and the fines and penalties for unauthorized diversions are very small. The State Water Board's Office of Enforcement assists the Division of Water Rights and the Regional Water Quality Control Boards (Regional Water Boards) with targeting and prioritizing enforcement actions at grows where a water quality impact is readily apparent. The Office of Enforcement has assisted the North Coast Regional Water Quality Control Board, which has been the most active of the nine boards when it comes to addressing the water quality impacts associated with marijuana cultivation, with issuing Cleanup and Abatement Orders and levying fines and penalties against growers who have impacted water quality. These enforcement actions are undertaken administratively at the Regional Water Board level. The North Coast and Central Valley Regional Water Boards have conducted over 100 inspections along with DFW and the Division of Water Rights. Inspection reports have been provided to cultivators and notices of violations have been issued. Cleanup and Abatement orders have also been issued for improper grading, inadequate erosion sediment control measures, dam construction, and instream dredge and fill. The primary violations cited were discharging waste into waters of the United States without a permit (section 401 Water Quality Certification). Many of the relevant watersheds have Clean Water Act section 303(d) listed waters, and commensurate Total Maximum Daily Loads (TMDL), due to impairments from temperature and sediment. Inspections are coordinated with local law enforcement and civil authorities. Local law enforcement and DFW law enforcement also "deconflict" with federal law enforcement before civilian inspectors are deployed in the field. As part of the education and outreach component of the pilot project, the Water

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Boards and DFW have sought input from the regulated public and other stakeholders, including other state agencies such as the Department of Pesticide Regulation, Department of Toxic Substances Control, CalRecycle and County governments to help develop the now-adopted regulatory programs with conditions, prohibitions and best management practices. The objective of the pilot project was, and the expansion of the pilot project now is, to create a self-sustaining, fee-based regulatory program within 5 years. The additional positions requested by the Water Boards for the 2016-17 Budget Year are necessary to facilitate and coordinate the development of consistent regulatory obligations and permitting in the regions, while accounting for unique circumstances presented in each County or region.

The 13 PYs will allow for the existing units in Santa Rosa, Redding and the Office of Enforcement to become full units with a senior to oversee the line staff in each unit. They will also allow for a slight expansion in the reach of the pilot project to include the Central Coast. Finally, they will allow for inspections and enforcement actions to double while maintaining a reasonably timely enforcement response after site inspections are completed.

This proposal will also help protect California's streams in accordance with Goal 2 of the of the California Water Boards (collectively State Water Board and Regional Water Board's) Strategic Plan Update (September 2008), which states "Surface waters are safe for drinking, fishing, swimming, and support healthy ecosystems and other beneficial uses." It also supports Objective 3.3 of the Strategic Plan Update to "ensure that adequate stream flows are available for the protection of fish and wildlife habitat while meeting the need for diversions of water for other uses." The Strategic Plan update further recognizes the need for State Water Board actions such as the development of minimum flow objectives and additional State Water Board actions (such as conservation, recycling, and limiting amount of water diverted) where minimum flow objectives are not being met.

D. Justification

Marijuana cultivation is having a devastating effect on water quality and supply, and on fish and wildlife and their habitats. The impacts of marijuana cultivation are specific and substantial. Implementing the enacted Legislation will reduce the rapidly-accelerating adverse environmental impacts associated with marijuana cultivation and help inform future decision about how best to minimize or eliminate them. Expanding the task force statewide will also enable the state to better regulate marijuana under current law, and will provide a framework to incorporate future regulatory changes made by the Legislature or California voters.

Typical commercial marijuana cultivation operations involve: (1) bulldozing and grading sites; (2) road building; (3) conversion of timberland; (4) construction of permanent and temporary structures; (5) extensive use of water and irrigation pipe; (6) pesticide and rodenticide use; (7) storage and handling of hazardous materials; (8) discharge of pollutants into waterways; (9) erosion and sedimentation and other water quality impacts; (10) generation of hazardous waste; (11) operation of portable diesel generators or pumps; (12) poaching; (13) habitat fragmentation and conversion; and, (14) the death of threatened and endangered species and other game animals. Many sites are located in remote, forested, and mountainous location where detection is minimized. Cumulatively, these impacts are threatening California's natural resources in an unprecedented manner.

These operations, whether on public or private lands, are also increasing the threat of wildfires. The living arrangements on these remote grow sites, unwise vegetation management, and poor equipment management or installation all increase fire risk in remote areas. Haphazard and unregulated land conversion causes the same effect. This timberland conversion is happening at a rapid pace, and has resulted in the Department of Forestry and Fire Protection taking more enforcement actions. Marijuana grow site workers can also create serious wildfire hazards by using campfires for cooking, heat, and sterilizing water. The 2009 La Brea wildfire began in the Los Padres National Forest in Santa Barbara County from illegal cooking fires at a known outdoor grow site. The suppression and resource damage costs of that fire were almost \$35 million.

These impacts are reversing progress made by DFW and the State Water Board to protect fish and restore water quality. For example, California has spent hundreds of millions of dollars over the past several decades restoring native anadromous fish habitat. In 2012-13 DFW's Fisheries Restoration Grants

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Program funded more than \$13 million in projects designed to recover imperiled populations of salmon and steelhead. This restoration effort and those through the State Water Board's granting programs are making great strides in protected watersheds (owned by large timber or ranching interests and those state and federally-owned). Sadly, in watersheds that contain hundreds of private ownerships participating in marijuana cultivation, the serious resources damage is negating much of this restoration work. Recently, DFW has received dewatering reports for at least 19 streams in Northern California, all of which contain state or federally-listed anadromous fish. The situation is dire for fish, especially considering law enforcement estimates of over 5,000 marijuana grows in Humboldt County alone, in addition to those found in Mendocino, Trinity, and other Northern California counties.

To address these impacts, the pilot project contained four basic elements the Legislation directs are to be extended statewide: permitting, enforcement, education and outreach, and coordination with other agencies. The State Water Board is requesting the following positions to address the damaging impacts of marijuana cultivation on the state's natural resources, focusing first in the north state, then expanding gradually to cover the entire state:

State Water Resources Control Board – Implement the Water Quality Mandate (13 Positions)

To implement and extend the joint task force statewide, the State Water Board requests 13 positions, primarily to perform inspections, investigations, and the development of evidence to support administrative orders and judicial and administrative enforcement actions, to engage in stakeholder outreach and education, to coordinate with other state, local and federal agencies and to develop and implement a permit system that provides a pathway to compliance for cannabis cultivators. The Water Boards believe administrative enforcement actions before the Regional Water Boards will be the most efficient and effective tool for addressing impacts under the Boards' authorities and jurisdiction. Water Board staff would also play an important support role in judicial civil and criminal prosecutions because of their expertise in assessing impacts to water quality from the various activities described above. In addition to the 11 positions currently funded through Fiscal Year 2016-17, the State Water Board requests 13 new, positions, including 1) a senior Water Resources Control Engineer (WRCE) and 1 WRCE to augment the four line staff in the North Coast Region, Santa Rosa and make one full unit (of 6) there; (2) a senior WRCE and an Environmental Scientist (ES) to augment the four line staff in the Central Valley Region's Redding office and make a full unit (of 6) there; (3) an Engineering Geologist (EG), an ES and a WRCE to be housed in the Central Coast Region's office in San Luis Obispo; and (4) an attorney, a senior WRCE, 1 WRCE, 2 ES, and 1 EG for the Office of Enforcement to make a full unit there.

This amount of funding would allow the State Water Board to initially implement a credible water quality protection and enforcement program in the three priority regions of the state where marijuana cultivation has the most adverse environmental impacts (North Coast Region, Central Valley Region, and Central Coast Region.) The proposal for 13 water quality positions, in addition to the existing funded staff of 11, would allow for the existing units in Santa Rosa, Redding and the Office of Enforcement to become full units with a senior to oversee the line staff's work. The Office of Enforcement's unit would focus on special problem areas and essentially act as a mobile unit that could respond around the state while the program is developed in the seven other regions. Finally, since the intent and effect of the new resources is and will be to double the number of inspections and enforcement actions, it will be critical to have an additional attorney. The cannabis enforcement unit involves a high degree of legal work because of the various prosecutorial entities involved in enforcement, from District Attorneys to local civil prosecutors and the Attorney General's office, and because of the unique status of cannabis as a controlled substance under federal law. Moreover, prosecuting administrative enforcement actions for cleanup and abatement orders and civil fines and penalties is labor intensive in the cannabis cultivation arena since investigations more frequently require search warrants and admissible evidence is more difficult to develop. Without the additional attorney, timely enforcement after inspections are completed will likely not be attainable.

The North Coast and the Central Valley Regional Water Quality Control Boards have adopted regulatory strategies for marijuana grows in their regions, which are now in need of implementation. Under the Porter-Cologne Act, the Regional Water Boards have the legal authority to regulate agricultural operations that affect water quality. There is no funding from marijuana cultivation for the Water Boards' regulatory

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efforts at this time, but a permit fee schedule has been adopted and the Water Boards expect to begin collecting fees in early 2016. Generally, under the permits, the Regional Water Boards regulate growers in the same manner that they regulate other agricultural operations. The permits set rules to protect water quality and water supply. Growers are required to begin “enrolling” in the permits in 2016 (which means that they agree to follow the permit prohibitions, conditions and rules). The permits do not authorize the production of marijuana, and the Regional Water Boards will not attempt to determine whether growers comply with state or local laws governing marijuana, but will coordinate and share information with local governments and other state agencies. While the permits do require compliance with all local and state laws, they only set rules for practices that affect water quality. Growers that fail to enroll in the permit program are required to obtain individual waste discharge permits and are subject to fines for their failure to obtain permit coverage. The Regional Water Boards can issue Cleanup and Abatement Orders to compel both property owners and growers to repair damage and to take specific steps to prevent additional damage, such as preventing sediment runoff into streams from roads.

Federal law criminalizes marijuana production for any purpose. This tension between the state and federal law places growers – and state regulators – in a difficult position. Growers are less likely to cooperate with state agencies, if they fear that doing so will make it easier for the federal government to identify and prosecute them. Solving this problem will involve state and federal policy discussions, but will also necessarily require improved outreach and education efforts to the growers themselves.

Because the growers operate in a gray legal area, are not organized as an industry, fear prosecution, and have never been regulated, DFW, State Water Board, and the Regional Water Boards anticipate that enrollment in the respective permits and adherence to existing permitting requirements—and compliance with the permit term—will require more effort, resources, and time than other regulatory programs. DFW, State Water Board, and Regional Water Boards intend to reach out to landowners and grow operators and provide materials on best management practices and prohibitions. The now-statewide task force will leverage experience gained in the pilot project and determine the best conduit for information to the regulated public on a localized basis. Publicizing enforcement actions has resulted in information about prohibitions filtering down to the regulated public and may have some deterrent effect on landowners. But, that publicity of individual cases is ineffective for widespread dissemination of information about best management practices and other necessary regulatory measures. Therefore, as a component of this program, DFW and the State Water Board will develop a comprehensive outreach and education effort in coordination with other allied agencies and stakeholders.

It is expected that the funds requested from the General Fund will support the program in the first few years while fees collected under the regulatory programs in place and expected to be put in place begin to materialize. It can also be expected that future fees from these regulatory programs will not begin to support the program until fiscal year 2016-17, and not begin to fully support the program until at least the third year.

Before the allocation of 11 limited term positions in the 2014 and 2015 Budget Acts, respectively, there was no cannabis cultivation regulatory program in the Water Boards. It is expected that well over 50,000 new permit enrollees will be eligible for permit coverage by the end of the 2016-17 Budget Year. The two recently-adopted regional permits don’t require enrollment until 2016, so the increase in permit caseload and enrollment is expected to be significant.

State Water Resources Control Board – Instream Flows Protection (Interim Flows, Policies and Water Rights Registrations/Permitting) (22 positions)

Anadromous salmonids have been in steady decline for over 30 years and many population segments have been placed on the State and Federal Endangered Species lists as threatened or endangered. Existing funding provides the State Water Board with the ability to address instream flows for anadromous salmonids in a few key critical tributaries in the California Water Action Plan. While one of two of the stream may be current areas of cannabis operations, the existing effort cannot be rapidly expanded to cover the widespread cannabis areas. Typically, the first step is the development of flow criteria, which provide the technical basis for the establishment of flow requirements/objectives. The on-the-ground timeframe necessary to develop flow criteria generally ranges from one to three years per stream depending on the complexity of issues the study addresses, as well as the water conditions (e.g., may

Analysis of Problem

need additional years in persistent drought conditions to account for variety in water year types). Additionally time is often included for peer review and stakeholder involvement. Once the flow criteria or flow recommendation is finalized, the State Water Board can use the information to develop flow requirements, often referred to as flow objectives. The establishment of flow requirements includes an evaluation and balancing of the public trust resources needs relative to other beneficial uses of water. Once the flow requirements are established, the requirements are implemented through the water rights priority system unless other agreements or provisions are determined acceptable. This is a complete, scientifically sound and well vetted approach that is protective but lengthy. Given the need for quick protection of resources and a path to cannabis compliance, a new less precise, regional but protective approach is proposed until long term tributary specific instream flow studies can be prepared for cannabis impacted streams.

The State Water Board is requesting 22 positions and \$6 million in contract funds over five years to so that individual and cumulative effects of water diversion and discharges associated with cannabis cultivation do not affect the instream flows needed for fish spawning, migration, and rearing, and the flows needed to maintain natural flow variability. Given the geographic scope of current and anticipated cannabis operations, and the sheer number of operations, this is a substantial charge. These efforts will require extensive field work, data analysis, regulatory development, outreach, public involvement and CEQA compliance which will take years to complete. As such the State Water Board proposes to triage a path for compliance through a several step process until the longer and more targeted ongoing instream flow setting process can be applied. The proposed effort to is comprised of three elements: (1) establishment of interim flow requirements, including coordination with the CDFA on its cannabis cultivation licensing regulation; (2) development of regional instream policies; and (3) expansion of the registration program and processing of water right registrations and applications to appropriate water (i.e., permits).

Interim Flows.

Interim flow requirements are needed to provide immediate protection of instream flows for fishery resources. Instream flows in water bodies throughout California are impacted by cannabis cultivation under existing conditions. In the short-term, interim flow requirements are needed so that cannabis cultivation activities do not result in the further decline of fishery resources, including the possible take or extinction of threatened and endangered species, which could result from individual or cumulative diversions. A targeted approach to develop and implement interim flow requirements for streams with fishery resources will allow for the establishment of minimally protective interim flows for fishery resources that are currently impacted or would be impacted by the diversion of water for cannabis cultivation.

Regional Policies.

Through its effort developing the Northern California Instream Flow Policy, the State Water Board has determined that establishment of such policies provides a good framework to evaluate and protect public trust resource needs on a regional scale, while also considering other beneficial uses of water such as irrigation. Once established, such policies support efficient processing of water right applications (permits) and registrations. It is anticipated, for instance, that the Northern California Instream Flow Policy will be an efficient tool to expedite the water right permitting process. Establishment of the policy is allowing the State Water Board to focus resources and streamline review for registrations and permits in the policy area, due to the robust analysis and associated framework established in the Policy.

Applications and Registrations to Appropriate Water.

The State Water Board will implement a suite of efforts to modify and implement the program for processing water right applications and registrations in order to provide a timely and efficient program for appropriate water rights.

While parties subject to the new cannabis regulation have several options to establish a water right, the State Water Board anticipates that a significant portion of parties will choose the water right Registration Program if it is available. It is a much cheaper, quicker and simplified process. Currently, the registration program for irrigation is not available in many areas with very significant amount of cannabis cultivation.

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Without the availability of the irrigation registration program, cultivators will be forced to submit more lengthy and complex applications to appropriate water. The application process requires significant investment of resources from the applicant and the State Water Board, and permit issuance may not occur for several years. Significant delays in acquiring appropriative water rights is anticipated to be a bottleneck that will hinder the new CDFA licensing program for cannabis cultivation unless the State Water Board can streamline the appropriation process with an expanded registration program.

The irrigation registration program requires the establishment of general conditions to protect instream beneficial uses. The current general conditions are incorporated into registrations by (1) including them as requirements for new registrations and (2) including them in registrations when they are renewed every five years.

It is expected that General Funds will be needed to support the registration and permitting effort in the first two years to allow time for the State Water Board to lay the groundwork for registration program development. During this time, the State Water Board will evaluate the fee structure for supporting expenditures. The overall registration program was initially envisioned to be a fairly small component of the water rights structure. To date, 1,051 registrations have been processed throughout the state since inception in 1988. The potential for more than 50,000 registrations will need to be analyzed in the context of the program development. The existing registration program (livestock stockpond, small domestic, and limited geographic area small irrigation use) has charged \$250 for filing fee and \$100 per renewal (every 5 years).

The State Water Board will need to work with stakeholders to evaluate potential revisions to the registration fee schedule to include this new cannabis work.

E. Outcomes and Accountability

See Attachment A for Projected Outcomes table.

Water Quality (Pilot Project Expansion):

This proposal would begin the process of gradually extending the existing, geographically limited multi-agency response to the damaging impacts of marijuana cultivation on public and private lands in California statewide, with an initial focus on highly-impacted drinking water supplies and endangered and threatened species habitats in northern California. The enforcement, natural resources assessment and restoration, and education efforts of the expanded task force will reduce the adverse impacts of marijuana cultivation on water quality, water supply, instream flows and fish and wildlife throughout the state. DFW and the State Water Board will work together to assess actions taken by the task force to determine the direction of this effort in future years.

Instream Flows (Interim Flows, Policies and Water Rights Registrations/Permitting):

The State Water Board's approach to protect instream flows and related fishery resources is comprised of three primary elements: (1) establishment of interim flow requirements; (2) development of regional instream flow policies; and (3) expansion of the registration program and processing of water right registrations and applications to appropriate water (i.e., permits). The work associated with each of these elements is broken out and described below.

Interim Flow Requirements Work:

Seven positions are requested for this element of the Instream Flows Protection effort, as shown in the Workload Matrix and Organization Chart. This element includes coordination with the CDFA and DFW on regulations to protect fishery resources, as well as the development and implementation of interim flow requirements that would provide minimal protection of public trust resources in the absence of tributary-specific flow objectives. This effort would be performed over five years with the adoption of interim flow requirements targeted within the first two years, followed by implementation of the interim

Analysis of Problem

flow requirements and associated coordination on the policies and registrations/permitting to provide consistency between the three elements. The interim flow requirements would be developed to target public trust resources in high resource value streams in various geographic areas statewide with cannabis cultivation activities. Interim flows would be established in a transparent public process during which water right holders and the public would have opportunity to participate. The interim flow requirements would be developed using existing data and information to provide minimal protection to fishery resources in the absence of broader policies and tributary-specific flow requirements. It is anticipated the interim flow requirements would be developed through regulations, which would require compliance with the CEQA. Interim flow requirements would be in place until tributary-specific or other flow requirements that more fully protect public trust resources are in place. Tributary-specific flow requirements that protect public trust resources with consideration of other beneficial uses of water will be developed over time for different streams throughout California as part of Phase 4 of the Bay-Delta effort and the California Water Action Plan. It is anticipated that full tributary-specific flow requirements will be developed for up to 10 tributaries in California in the next five years.

Regional Policies Work:

Eight positions are requested for this effort of the Instream Flows Protection effort, as shown in the Workload Matrix and Proposed Organization Charts. Initially the State Water Board would need to determine how best to divide the areas of cannabis cultivation in California into regional blocks that could be covered by individual regional instream flow policies. Key steps associated with the policies include: (1) review and evaluation of hydrologic and fishery and other resources to establish instream flows for fishery spawning, rearing migration, and natural flow variability; (2) review and evaluate existing diversions and beneficial uses of water; (3) compliance with CEQA; (4) stakeholder outreach; (5) develop and adopt policies, including peer review; and (6) respond to litigation, if necessary. The policies would be developed to protect instream flow and allow for efficient processing of water right applications (permits) and registrations. The development of regional policies would be prioritized regionally, focusing first on those areas of the state that are anticipated to be most impacted by diversions of water for cannabis cultivation. Policies for other areas of the state will be developed once work on these initial regional policies is complete.

Registrations and Applications to Appropriate Water:

Six positions are requested for this element of the Instream Flows Protection effort, as shown in the Workload Matrix and Proposed Organizational Charts.

Registrations –Outcomes are based on the number of registrations issued and registrations renewed with increased staff. This includes issuance of small irrigation registration certificates once the general conditions are established and issuance of any applicable small domestic registrations. Registrations are renewed every 5 years and new conditions may be added at that time. This would include conditions generated by the development of narrative standards and Instream Flow policies. The reason water right registrations renewals only start in BY+4 is that the registration program requires 5 year renewal. Each year following BY+4, the number of renewals targeted will equal the amount issued from the previous 5 year issuance.

Increased staffing for registrations will also develop expanded general conditions for Small Irrigation Use Registrations that incorporate interim flows and general policies developed to protect instream beneficial uses. Projected outcomes include stakeholder meetings as the conditions are developed, as well as continuing outreach once established; and interagency meetings with CDFA and DFW so that the general conditions complement DFA's cannabis licensing approach and incorporate feedback from DFW regarding in stream resource conditioning.

Staff will also be responsible for conducting analyses to determine if new registrations could cause the water body to become fully appropriated. If that is the case, these watersheds would then require specific findings before any more permits or registrations could be approved.

Analysis of Problem

Applications - For processing of water right applications, projected outcomes focus on application review (rejection of application), evaluation of diligence by applicant (cancellation of application) and water right permits issued.

Water Rights Enforcement:

With the increase of one enforcement staff person, the expected outcome is timely processing of marijuana cultivation related complaints. The legislation will result in the filing of a large number of additional Statements of Water Diversion and Use claiming riparian or other basis of right. The enforcement staff will review the claims for compliance with water rights law. When diversion is found to be occurring without benefit of a legal water right, an enforcement case will be developed and processed including Cease and Desist Orders, Administrative Civil Liability, and participation in water right hearing. The enforcement staff will conduct field inspections for compliance with terms and conditions included in any cannabis related water right permits and registrations.

F. Analysis of All Feasible Alternatives:

Water Quality Mandate

Alternative 1: Approve the 13 requested positions for the State Water Board to expand to statewide its share of the joint Task Force directed at addressing environmental damage caused by marijuana cultivation in California.

Pro

This alternative complies with the Legislative directive to continue and expand the joint task force to identify high priority watersheds in California and perform inspections and enforcement actions in those watersheds that would help restore stream flows and stop the discharge of sediments and chemical pollutants. It would allow the Water Board to perform its obligations as a member of the joint task force, first funded in the 2014/15 Budget Year and funded again for the 2015/16 and 2016/17 Budget years on an expanded statewide basis, while maintaining other critical regulatory and enforcement actions. It would also provide for development of a comprehensive outreach and education effort as well as involve close coordination with other state agencies such as the Department of Forestry and Fire Protection and State Parks on a statewide basis. Finally, it would help support development of a fee-based, self-sustaining regulatory program to support the water boards' task force operations within a three year time frame.

Con

This alternative requires additional funding.

Alternative 2: Redirect funding and positions from other activities within State Water Board to the task force.

Pro

This alternative would not require additional funding.

Con

This alternative would require the redirection of staff from the State Water Board who are currently engaged in and integral to existing regulatory and enforcement programs. Because of legal restrictions on the use of permit fees derived from regulatory programs and because the Water Boards are generally a fee-supported agency, there may also be severe restrictions on the ability to redirect resources to address the impacts from marijuana cultivation from other regulatory programs. This alternative would also diminish the return on efforts made with resources allocated to the Water Boards in the 2014/15, 2015/16 and 2016/17 Budget Years.

Analysis of Problem

Alternative 3: Fund only existing efforts.

Pro

This option would continue the limited operations approved in the 2014-15, 2015/16, and 2016/17 Budget Years and would require no additional funding.

Con

This alternative does not comply with the mandates in the newly-adopted Legislation and would allow for increasing environmental damages caused by illegal marijuana cultivation and undetected illegal water diversions.

Alternative 4: Reject this proposal and provide no additional resources for the State Water Board to address the environmental impact on marijuana cultivation.

Pro

This alternative would not require additional funding.

Con

This alternative is inconsistent with the directives in the adopted Legislation and would result in a no effect scenario on the escalating environmental degradation being caused by marijuana cultivation and nullify the efforts made in the first year of the pilot project with funding from the 2014/15 Budget Year.

Water Rights and Instream Flow-related mandate: Instream Flows Protection (Interim Flows, Policies, and Water Rights Registrations/Permitting)

Alternative 1: Approve the 22 requested positions for the State Water Board to protect instream flows for fishery resources in streams with cannabis cultivation.

Pro

This alternative complies with the Legislative directive to ensure that individual and cumulative effects of water diversion and discharges associated with cannabis cultivation do not affect the instream flows needed for fish spawning, migration, and rearing, and the flows needed to maintain natural flow variability. The alternative provides staff resources to process water right registrations and permits associated with irrigation of cannabis. Without additional resources, these registrations and permits would have long processing timelines, due to the existing high volume of pending non-cannabis related water rights actions. Resources will allow the State Water Board to help cannabis operations come into compliance earlier. Additionally, creation of general conditions for Small Irrigation Use Registrations targeted at high cannabis production areas will provide an expedited pathway to obtaining a water right, compared to filing an application to obtain a permit. This will allow parties to more quickly transition from summertime riparian diversion to appropriative rights for storage during times of more abundant stream flow. The additional enforcement resource will help verify that parties issued water rights comply with applicable terms and conditions protective of in stream resources.

Con

This alternative requires additional funding.

Alternative 2: Redirect funding and positions from other activities within State Water Board to perform this work.

Pro

This alternative would not require additional funding.

Con

This alternative would require the redirection of staff from the State Water Board who are currently engaged in and integral to existing programs. Because of legal restrictions on the use of permit fees derived from regulatory programs and because the Water Boards are generally a fee-supported agency, there may also be severe restrictions on the ability to redirect resources to address the impacts from

Analysis of Problem

marijuana cultivation from other regulatory programs. Due to the specialized knowledge and background needed to perform this work (i.e., fisheries, instream flow, and water rights), it is likely that staff from existing Water Rights Programs would be redirected, further delaying important work on Phase 4 of the Bay-Delta effort, the California Water Action Plan, and action on the backlog of pending water rights applications. This alternative would also diminish the return on efforts made with resources allocated to the Water Boards in the 2014/15, 2015/16 and 2016/17 Budget Years.

Alternative 3: Reject this proposal and provide no additional resources for the State Water Board to address the need to protect instream flows related to cannabis cultivation.

Pro

This alternative would not require additional funding.

Con

This alternative is inconsistent with the directives in the adopted Legislation and would result in a no effect scenario on the escalating impacts to fishery resources associated with cannabis cultivation. It would also create a tremendous obstacle to bringing cannabis operations into timely and full compliance with existing water rights law. This alternative could result in the further decline and extinction of threatened and endangered fisheries.

G. Implementation Plan

The Water Boards will continue utilizing the positions funded by the 2014 and 2015 Budget Acts and hire the additional staff outlined above to support the development of consistent regulatory programs and permits as soon as the additional positions are funded.

H. Supplemental Information

For Instream Flows Mandate (\$6.0 million in contract funds, over 5 years):

- Contracts for development of CEQA documents and technical documents in support of the interim flow requirements, regional policies, and water rights processing (e.g., conditions development).

I. Recommendation

Water Quality Mandate: Approve Alternative 1 to provide 13 positions and funding for the State Water Board to continue and expand to statewide the work by the task force directed at addressing environmental damage caused by marijuana cultivation in California so that the agencies can begin to stop the rapid acceleration of environmental degradation and develop strategies for enforcement and regulatory programs that can be applied more broadly in the future.

Instream Flows Mandate: Approve Alternative 1 to provide 22 positions and funding for the State Water Board to ensure that individual and cumulative effects of water diversion and discharges associated with cannabis cultivation do not affect the instream flows needed for fish spawning, migration, and rearing, and the flows needed to maintain natural flow variability. This includes resources for interim flow requirements, regional instream flow policies, and the water rights processing of registrations and permits.

BCP Fiscal Detail Sheet

BCP Title: Medical Marijuana Implementation (AB 243, AB 266, SB 643)

DP Name: 3940-029-BCP-DP-2016-GB

Budget Request Summary

	FY16					
	CY	BY	BY+1	BY+2	BY+3	BY+4
Positions - Permanent	0.0	35.0	35.0	35.0	35.0	35.0
Total Positions	0.0	35.0	35.0	35.0	35.0	35.0
Salaries and Wages						
Earnings - Permanent	0	2,706	2,706	2,706	2,706	2,706
Total Salaries and Wages	\$0	\$2,706	\$2,706	\$2,706	\$2,706	\$2,706
Total Staff Benefits	0	1,169	1,169	1,169	1,169	1,169
Total Personal Services	\$0	\$3,875	\$3,875	\$3,875	\$3,875	\$3,875
Operating Expenses and Equipment						
5301 - General Expense	0	53	53	53	53	53
5302 - Printing	0	41	41	41	41	41
5304 - Communications	0	83	83	83	83	83
5306 - Postage	0	41	41	41	41	41
5320 - Travel: In-State	0	175	175	175	175	175
5322 - Training	0	83	83	83	83	83
5324 - Facilities Operation	0	334	334	334	334	334
5340 - Consulting and Professional Services -	0	1,000	2,000	1,000	1,000	1,000
Total Operating Expenses and Equipment	\$0	\$1,810	\$2,810	\$1,810	\$1,810	\$1,810
Total Budget Request	\$0	\$5,685	\$6,685	\$5,685	\$5,685	\$5,685

Fund Summary

Fund Source - State Operations						
0001 - General Fund	0	5,213	6,029	4,848	4,666	4,484
0193 - Waste Discharge Permit Fund	0	472	656	837	1,019	1,201
Total State Operations Expenditures	\$0	\$5,685	\$6,685	\$5,685	\$5,685	\$5,685
Total All Funds	\$0	\$5,685	\$6,685	\$5,685	\$5,685	\$5,685

Program Summary

Program Funding						
3560 - Water Quality	0	1,819	1,819	1,819	1,819	1,819
3570 - Water Rights	0	3,866	4,866	3,866	3,866	3,866
Total All Programs	\$0	\$5,685	\$6,685	\$5,685	\$5,685	\$5,685

Personal Services Details

Positions	Salary Information								
	Min	Mid	Max	CY	BY	BY+1	BY+2	BY+3	BY+4
0762 - Environmental Scientist (Eff. 07-01-2016)				0.0	12.0	12.0	12.0	12.0	12.0
0764 - Sr Envirnal Scientist (Supvry) (Eff. 07-01-				0.0	2.0	2.0	2.0	2.0	2.0
3756 - Engring Geologist (Eff. 07-01-2016)				0.0	4.0	4.0	4.0	4.0	4.0
3844 - Sr Cntrl Engr (Eff. 07-01-2016)				0.0	4.0	4.0	4.0	4.0	4.0
3846 - Cntrl Engr (Eff. 07-01-2016)				0.0	11.0	11.0	11.0	11.0	11.0
5393 - Assoc Govtl Program Analyst (Eff. 07-01-				0.0	1.0	1.0	1.0	1.0	1.0
5778 - Atty (Eff. 07-01-2016)				0.0	1.0	1.0	1.0	1.0	1.0
Total Positions				0.0	35.0	35.0	35.0	35.0	35.0
Salaries and Wages	CY	BY	BY+1	BY+2	BY+3	BY+4			
0762 - Environmental Scientist (Eff. 07-01-2016)	0	665	665	665	665	665			
0764 - Sr Envirnal Scientist (Supvry) (Eff. 07-01-	0	214	214	214	214	214			
3756 - Engring Geologist (Eff. 07-01-2016)	0	329	329	329	329	329			
3844 - Sr Cntrl Engr (Eff. 07-01-2016)	0	453	453	453	453	453			
3846 - Cntrl Engr (Eff. 07-01-2016)	0	903	903	903	903	903			
5393 - Assoc Govtl Program Analyst (Eff. 07-01-	0	62	62	62	62	62			
5778 - Atty (Eff. 07-01-2016)	0	80	80	80	80	80			
Total Salaries and Wages	\$0	\$2,706	\$2,706	\$2,706	\$2,706	\$2,706			
Staff Benefits									
5150350 - Health Insurance	0	596	596	596	596	596			
5150600 - Retirement - General	0	573	573	573	573	573			
Total Staff Benefits	\$0	\$1,169	\$1,169	\$1,169	\$1,169	\$1,169			
Total Personal Services	\$0	\$3,875	\$3,875	\$3,875	\$3,875	\$3,875			

**STATE WATER RESOURCES CONTROL BOARD
FISCAL YEAR 2016-17
BUDGET CHANGE PROPOSAL**

**AB 243 MEDICAL MARIJUANA BCP
WORKLOAD MATRIX**

Positions Requested FY 2016-17	Workload	Workload Standard	Basis for Standard
Interim Instream Flow Unit		• 1,776 hours = 1.0 position	
1.0 Sr. Environ. Scientist (Supervisory)	<ul style="list-style-type: none"> Supervise, direct, and review the work of technical staff in the Interim Instream Flow Unit, including the scientific, water quality, and other elements of establishing instream flows to protect public trust resources. This work includes, but is not limited to: 1) evaluation of existing instream flow data and information to support establishment of interim instream flow requirements; 2) preparation of any and all appropriate notices; 3) conduct and oversee field work to determine the flows necessary to protect fish and other species; 4) conduct and oversee scientific investigations of public trust and beneficial use protection; and 5) follow through of all water quality control planning and hearing activities. Prepare or supervise preparation of interim flow requirements (minimum flows) and technical supporting documents focused on providing minimal protection for anadromous fish in tributaries throughout the State. Prepare or supervise preparation of interim regulations and supporting documents to implement interim instream flow requirements and other measures throughout the State. Present and testify at State Water Board meetings and hearings, as necessary. 	<ul style="list-style-type: none"> Activities associated with supervision of other staff can require 440 hours per year, depending on the nature of the work and the previous expertise of staff. Because water rights and instream flows are very specialized subfields, most staff do not have experience and initially require significant training and supervision. Development of interim flow requirements and technical supporting documents will require 320 hours per year. The preparation and review of technical documents can be time consuming, especially at the senior level, which is the level primarily responsible for technical accuracy. Detailed review of technical reports can take 320 hours per year. 	Based on past State Water Board Division of Water Rights experience.

**STATE WATER RESOURCES CONTROL BOARD
FISCAL YEAR 2016-17
BUDGET CHANGE PROPOSAL**

**AB 243 MEDICAL MARIJUANA BCP
WORKLOAD MATRIX**

**Positions
Requested FY
2016-17**

Workload

Workload Standard

Basis for Standard

- | | |
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| <ul style="list-style-type: none"> • Prepare, or supervise preparation of, water quantity and water quality reports, orders, decisions, and any other documents produced as a result of workshops, hearings, and field investigations, and coordinate the preparation and adoption of such documents, as appropriate, by the State Water Board and the courts; this includes reports prepared by staff or consultants to comply with environmental requirements, such as the California Environmental Quality Act (CEQA). • Prepare, or supervise preparation of, correspondence as assigned by the Manager of the Section, or as arises in the normal course of business associated with the review of the Interim Instream Flow Unit activities; prepare project tracking status information for priority projects subject to water quality control planning, hearings or adjudicatory proceedings. • Prepare budgetary information relating to water rights, water quality, environmental and engineering tasks performed by Interim Instream Flow Unit staff and maintain an orderly flow of activity through proper and efficient use of staff and other duties as required. | <ul style="list-style-type: none"> • The preparation and review of technical documents can be time consuming, especially at the senior level, which is the level primarily responsible for technical accuracy. Detailed review of technical reports can take 165 hours per year. • Preparation of correspondence and managing and tracking unit projects can require 115 hours per year. • Unit supervisors within the Division of Water Rights spend 71 hours per year preparing budgetary information and ensuring management of staff resources is done efficiently. |
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**STATE WATER RESOURCES CONTROL BOARD
FISCAL YEAR 2016-17
BUDGET CHANGE PROPOSAL**

**AB 243 MEDICAL MARIJUANA BCP
WORKLOAD MATRIX**

Positions Requested FY 2016-17	Workload	Workload Standard	Basis for Standard
	<ul style="list-style-type: none"> Consult with California Department of Food and Agriculture on the development of regulations related to licensing of cannabis cultivation to ensure public trust resources are protected. Coordinate with California Department of Fish and Wildlife and other appropriate state and federal agencies on interim instream flow efforts. Serve as a liaison representing the State Water Board, which includes: coordinating with governmental agencies, nonprofit organizations, and other interested parties; attending and speaking at meetings, workshops, or conferences to share the State Water Board's efforts with representatives from the regulated and non-regulated community. Respond to written and verbal inquiries regarding the Unit's work. Evaluate or oversee the evaluation of the effectiveness of interim instream flow requirements that are intended to provide minimal protection for anadromous fish in tributaries throughout the State. This work includes, but is not limited to: (1) assess effectiveness of interim flows requirements; (2) evaluate new data and other information from adaptive management or new studies; and (3) prioritize and assess tributary specific flow needs for tributaries with high public trust resource value or significant cumulative impacts from diversions, as needed. 	<ul style="list-style-type: none"> Consultation and coordination with state and federal agencies and serving as a liaison representing the State Water Board and associated work can require 90 hours per year depending on stakeholder involvement. The evaluation of interim instream flow requirements effectiveness can require 165 hours per year. 	

**STATE WATER RESOURCES CONTROL BOARD
FISCAL YEAR 2016-17
BUDGET CHANGE PROPOSAL**

**AB 243 MEDICAL MARIJUANA BCP
WORKLOAD MATRIX**

Positions Requested FY 2016-17	Workload	Workload Standard	Basis for Standard
3.0 Environ. Scientists	<ul style="list-style-type: none"> Other duties as required, including but not limited to: preparing or supervising preparation of oral and written reports to communicate flow issues to the State Water Board and stakeholders, briefing Executive management and Board members, updating related webpages, coordinating activities with Department of Fish and Wildlife (DFW) and other appropriate agencies, and responding to inquiries from the general public and other interested parties. 	<ul style="list-style-type: none"> Other duties will require 90 hours per year. 	
		<ul style="list-style-type: none"> 5,328 hours = 3.0 positions 	
	<ul style="list-style-type: none"> Conduct complex biological assessments of and evaluation of issues related to existing instream flow information and public trust resources. Perform office investigations to collect and interpret biological and other data relating to stream flow, water quantity and quality relationships, and water use. Develop interim flow requirements (minimum flows) and technical supporting documents focused on providing minimal protection for anadromous fish in tributaries throughout the State. 	<ul style="list-style-type: none"> Assessment and review of biological research and data will require 750 hours per year. Performing office investigations and biological assessments will require 750 hours per year. Development of minimum flows and technical supporting documents will require 800 hours per year. 	Based on past State Water Board Division of Water Rights experience.

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BUDGET CHANGE PROPOSAL**

**AB 243 MEDICAL MARIJUANA BCP
WORKLOAD MATRIX**

Positions Requested FY 2016-17	Workload	Workload Standard	Basis for Standard
	<ul style="list-style-type: none"> Develop interim regulations and supporting documents to implement interim instream flow requirements and other measures throughout the State. Prepare water quantity and water quality reports, orders, decisions, and any other documents produced as a result of workshops, hearings, and field investigations. This includes reports and documents to comply with environmental requirements, such as the California Environmental Quality Act (CEQA). Coordinate with California Department of Fish and Wildlife and other appropriate state and federal agencies on interim instream flow efforts. Serve as a liaison representing the State Water Board, which includes: coordinating with governmental agencies, nonprofit organizations, and other interested parties; attending and speaking at meetings, workshops, or conferences to share the State Water Board's efforts with representatives from the regulated and non-regulated community. Respond to written and verbal inquiries regarding the Unit's work. Evaluate the effectiveness of interim instream flow requirements that are intended to provide minimal protection for anadromous fish in tributaries throughout the State. This work includes, but is not limited to: (1) assess effectiveness of interim flows requirements; (2) evaluate new data and other information from adaptive management or new 	<ul style="list-style-type: none"> Development of regulations and supporting documents will require 800 hours per year. The preparation of reports and documents will require 525 hours per year. Coordination with state and federal agencies and serving as a liaison representing the State Water Board and associated work can require 450 hours per year depending on stakeholder involvement. The evaluation of interim instream flow requirements effectiveness can require 525 hours per year. 	

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WORKLOAD MATRIX**

**Positions
Requested FY
2016-17**

Workload

Workload Standard

Basis for Standard

2.0 Water
Resource
Control Engineer

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| <ul style="list-style-type: none"> studies; and (3) prioritize and assess tributary specific flow needs for tributaries with high public trust resource value or significant cumulative impacts from diversions, as needed. • Develop presentations and briefing materials for controversial or technical aspects of the instream flow work. • Oversee technical aspects of contracts related to the development of interim flow requirements, regulations, and associated work. | <ul style="list-style-type: none"> • Development of information will require 375 hours per year. • Oversight of technical aspects of contracts will require 380 hours per year. |
| <p>• 3,552 hours = 2.0 positions</p> | |
| <ul style="list-style-type: none"> • Conduct complex hydrologic assessments of and evaluation of issues related to existing instream flow information and public trust resources. • Perform office investigations to collect and interpret hydrological and other data relating to stream flow, water quantity and quality relationships, and water use. • Develop interim flow requirements (minimum flows) and technical supporting documents focused on providing minimal protection for anadromous fish in tributaries throughout the State. | <ul style="list-style-type: none"> • Assessment and review of hydrologic research and data will require 500 hours per year. • Performing office investigations and hydrological assessments will require 500 hours per year. • Development of minimum flows and technical supporting documents will require 525 hours per year. |

Based on past State Water Board Division of Water Rights experience.

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**Positions
Requested FY
2016-17**

Workload

Workload Standard

Basis for Standard

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| <ul style="list-style-type: none"> • Develop interim regulations and supporting documents to implement interim instream flow requirements and other measures throughout the State. • Prepare water quantity and water quality reports, orders, decisions, and any other documents produced as a result of workshops, hearings, and field investigations. This includes reports and documents to comply with environmental requirements, such as the California Environmental Quality Act (CEQA). • Coordinate with California Department of Fish and Wildlife and other appropriate state and federal agencies on interim instream flow efforts. Serve as a liaison representing the State Water Board, which includes: coordinating with governmental agencies, nonprofit organizations, and other interested parties; attending and speaking at meetings, workshops, or conferences to share the State Water Board's efforts with representatives from the regulated and non-regulated community. Respond to written and verbal inquiries regarding the Unit's work. • Evaluate the effectiveness of interim instream flow requirements that are intended to provide minimal protection for anadromous fish in tributaries throughout the State. This work includes, but is not limited to: (1) assess effectiveness of interim flows requirements; (2) evaluate new data and other information from adaptive management or new | <ul style="list-style-type: none"> • Development of regulations and supporting documents will require 525 hours per year. • The preparation of reports and documents will require 350 hours per year. • Coordination with state and federal agencies and serving as a liaison representing the State Water Board and associated work can require 300 hours per year depending on stakeholder involvement. • The evaluation of interim instream flow requirements effectiveness can require 350 hours per year. |
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Workload

Workload Standard

Basis for Standard

studies; and (3) prioritize and assess tributary specific flow needs for tributaries with high public trust resource value or significant cumulative impacts from diversions, as needed.

- Develop presentations and briefing materials for controversial or technical aspects of the instream flow work.
- Oversee technical aspects of contracts related to the development of interim flow requirements, regulations, and associated work.

- Development of information will require 250 hours per year.
- Oversight of technical aspects of contracts will require 252 hours per year.

**1.0 Engineering
Geologist**

- **1,776 hours = 1.0 position**

- Conduct complex hydrologic and geomorphologic assessments of and evaluation of issues related to existing instream flow information and public trust resources.
- Perform office investigations to collect and interpret geomorphological and other data relating to stream flow, water quantity and quality relationships, and water use.
- Develop interim flow requirements (minimum flows) and technical supporting documents focused on providing minimal protection for anadromous fish in tributaries throughout the State.

- Assessment and review of hydrologic and geomorphic research and data will require 200 hours per year.
- Performing office investigations and geomorphological assessments will require 200 hours per year.
- Development of minimum flows and technical supporting documents will require 335 hours per year.

Based on past State Water Board Division of Water Rights experience.

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Positions Requested FY 2016-17	Workload	Workload Standard	Basis for Standard
	<ul style="list-style-type: none"> Develop interim regulations and supporting documents to implement interim instream flow requirements and other measures throughout the State. Prepare water quantity and water quality reports, orders, decisions, and any other documents produced as a result of workshops, hearings, and field investigations. This includes reports and documents to comply with environmental requirements, such as the California Environmental Quality Act (CEQA). Coordinate with California Department of Fish and Wildlife and other appropriate state and federal agencies on interim instream flow efforts. Serve as a liaison representing the State Water Board, which includes: coordinating with governmental agencies, nonprofit organizations, and other interested parties; attending and speaking at meetings, workshops, or conferences to share the State Water Board's efforts with representatives from the regulated and non-regulated community. Respond to written and verbal inquiries regarding the Unit's work. Evaluate the effectiveness of interim instream flow requirements that are intended to provide minimal protection for anadromous fish in tributaries throughout the State. This work includes, but is not limited to: (1) assess effectiveness of interim flows requirements; (2) evaluate new data and other information from adaptive management or new 	<ul style="list-style-type: none"> Development of regulations and supporting documents will require 335 hours per year. The preparation of reports and documents will require 200 hours per year. Coordination with state and federal agencies and serving as a liaison representing the State Water Board and associated work can require 140 hours per year depending on stakeholder involvement. The evaluation of interim instream flow requirements effectiveness can require 200 hours per year. 	

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**Positions
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2016-17**

Workload

Workload Standard

Basis for Standard

studies; and (3) prioritize and assess tributary specific flow needs for tributaries with high public trust resource value or significant cumulative impacts from diversions, as needed.

- Develop presentations and briefing materials for controversial or technical aspects of the instream flow work.
- Oversee technical aspects of contracts related to the development of interim flow requirements, regulations, and associated work.

- Development of information will require 80 hours per year.

- Oversight of technical aspects of contracts will require 86 hours per year.

**Regional
Instream
Policies Unit**

1.0 Sr Environ.
Scientist
(Supervisory)

- 1,776 hours = 1.0 position

- Supervise, direct, and review the work of technical staff in the Statewide Instream Policy Unit, including the scientific, water quality, and other elements of establishing regional instream flow policies for appropriation of water to limit further degradation of impacted streams. This work includes, but is not limited to: (1) prioritize regions for development of policies; (2) review and evaluation of hydrologic and

- Activities associated with supervision of other staff can require 460 hours per year, depending on the nature of the work and the previous expertise of staff. Because water rights and instream flows are very specialized subfields, most staff do not have experience and initially require significant training and supervision.

Based on past State Water Board Division of Water Rights experience.

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Workload

Workload Standard

Basis for Standard

fishery and other resources to establish instream flows for fishery spawning, rearing migration, and natural flow variability; (2) review and evaluate existing diversions and beneficial uses of water; (3) compliance with CEQA; (4) stakeholder outreach; (5) develop and adopt policies, including peer review; and (6) respond to litigation, if necessary.

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| <ul style="list-style-type: none"> • Prepare or supervise preparation of regional instream flow policies and supporting documents for appropriation of water to limit further degradation of impacted streams throughout the State. Present and testify at State Water Board meetings and hearings, as necessary. • Prepare, or supervise preparation of, water quantity and water quality reports, orders, decisions, and any other documents produced as a result of workshops, hearings, field investigations and adjudicatory proceedings, and coordinate the preparation and adoption of such documents, as appropriate, by the State Water Board and the courts; this includes reports prepared by staff or consultants to comply with the California Environmental Quality Act (CEQA). • Prepare, or supervise preparation of, correspondence as assigned by the Manager of the Section, or as arises in the normal course of business associated with the review of the Statewide Instream Policy Unit activities; prepare project tracking status information for priority projects subject to water quality control planning, hearings or adjudicatory proceedings. | <ul style="list-style-type: none"> • The preparation and review of technical documents can be time consuming, especially at the senior level, which is the level primarily responsible for technical accuracy. Detailed review of technical reports can take 315 hours per year. • The preparation and review of technical documents can be time consuming, especially at the senior level, which is the level primarily responsible for technical accuracy. Detailed review of technical reports can take 250 hours per year. • Preparation of correspondence and managing and tracking unit projects can require 200 hours per year depending on the status of stakeholder involvement and the number and complexities of projects. |
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Positions Requested FY 2016-17	Workload	Workload Standard	Basis for Standard
	<ul style="list-style-type: none"> Develop workplans that include cost estimates for conducting field work and other studies, oversee development and implementation of plans that establish regional policies, conduct of hearings including the preparation of environmental and engineering analyses and reports on the management of water, interact and coordinate activities with California Department of Food and Agriculture, Department of Fish and Wildlife (DFW), and other appropriate agencies. Consult with California Department of Food and Agriculture on the development of regional policies related to licensing of cannabis cultivation to ensure public trust resources are protected. Coordinate with California Department of Fish and Wildlife and other appropriate state and federal agencies on development of regional policies. Serve as a liaison representing the State Water Board, which includes: coordinating with governmental agencies, nonprofit organizations, and other interested parties; attending and speaking at meetings, workshops, or conferences to share the State Water Board's efforts with representatives from the regulated and non-regulated community. Respond to written and verbal inquiries regarding the Unit's work. 	<ul style="list-style-type: none"> The development of workplans and management of the associated work can require 120 hours per year to ensure work is carried out in an effective and efficient manner. Consultation and coordination with state and federal agencies and serving as a liaison representing the State Water Board and associated work can required 85 hours per year depending on stakeholder involvement. 	

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Positions Requested FY 2016-17	Workload	Workload Standard	Basis for Standard
	<ul style="list-style-type: none"> • Prepare budgetary information relating to water rights, water quality, environmental and engineering tasks performed by Statewide Instream Policy Unit staff and maintain an orderly flow of activity through proper and efficient use of staff and other duties as required. • Evaluate or oversee the evaluation of the effectiveness of established policies that are intended to ensure that individual and cumulative effects of water diversion and discharges associated with cannabis cultivation do not cause further degradation of impacted streams. This work includes, but is not limited to: (1) assess effectiveness of policies and regional coverage; (2) evaluate new data and other information from adaptive management or new studies; (3) update policies to incorporate more effective measures or new data and information, as needed; and (4) develop additional policies, as needed. • Other duties as required, including but not limited to: preparing or supervising preparation of oral and written reports to communicate flow issues to the State Water Board and stakeholders, briefing Executive management and Board members, updating related webpages, coordinating activities with Department of Fish and Wildlife (DFW) and other appropriate agencies, and responding to inquiries from the general public and other interested parties. 	<ul style="list-style-type: none"> • Unit supervisors within the Division of Water Rights spend 85 hours per year preparing budgetary information and ensuring management of staff resources is done efficiently. • The evaluation of policy effectiveness can require between 141 hours per year to ensure work is carried out in an effective and efficient manner. • Other duties will require 120 hours per year. 	

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Positions Requested FY 2016-17	Workload	Workload Standard	Basis for Standard
2.0 Environ. Scientists	<ul style="list-style-type: none"> Conduct complex biological assessments of and evaluation of issues related to existing instream flow information and public trust resources. Perform office investigations to collect and interpret biological and other data relating to stream flow, water quantity and quality relationships, and water use. Develop regional instream flow policies and supporting documents for appropriation of water to limit further degradation of impacted streams throughout the State. Present and testify at State Water Board meetings and hearings, as necessary. Prepare water quantity and water quality reports, orders, decisions, and any other documents produced as a result of workshops, hearings, field investigations and adjudicatory proceedings, and coordinate the preparation and adoption of such documents, as appropriate, by the State Water Board and the courts; this includes reports prepared by staff or consultants to comply with the California Environmental Quality Act (CEQA). Coordinate with California Department of Fish and Wildlife and other appropriate state and federal agencies on development of regional policies. Serve as a liaison representing the State Water Board, which includes: coordinating with 	<p>• 3,552 hours = 2.0 position</p> <ul style="list-style-type: none"> Assessment and review of biological research and data will require 400-600 hours per year. Performing office investigations and biological assessments will require 400-600 hours per year. The preparation and review of technical documents can be time consuming, especially at the senior level, which is the level primarily responsible for technical accuracy. Detailed review of technical reports can take 900-1,100 hours per year. The preparation and review of technical documents can be time consuming, especially at the senior level, which is the level primarily responsible for technical accuracy. Detailed review of technical reports can take 500-600 hours per year. Coordination with state and federal agencies and serving as a liaison representing the State Water Board and associated work can require 300-400 hours per year depending on stakeholder involvement. 	Based on past State Water Board Division of Water Rights experience.

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	<p>governmental agencies, nonprofit organizations, and other interested parties; attending and speaking at meetings, workshops, or conferences to share the State Water Board's efforts with representatives from the regulated and non-regulated community. Respond to written and verbal inquiries regarding the Unit's work.</p> <ul style="list-style-type: none"> • Evaluate the effectiveness of established policies that are intended to ensure that individual and cumulative effects of water diversion and discharges associated with cannabis cultivation do not cause further degradation of impacted streams. This work includes, but is not limited to: (1) assess effectiveness of policies and regional coverage; (2) evaluate new data and other information from adaptive management or new studies; (3) update policies to incorporate more effective measures or new data and information, as needed; and (4) develop additional policies, as needed. • Develop presentations and briefing materials for controversial or technical aspects of the instream flow work. • Oversee technical aspects of contracts related to the development of interim flow requirements, regulations, and associated work. 	<ul style="list-style-type: none"> • The evaluation of policy effectiveness can require 350-400 hours per year to ensure work is carried out in an effective and efficient manner. • Development and presentation of information will require 250-300 hours per year. • Oversight of technical aspects of contracts will require 250-300 hours per year. 	

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Positions Requested FY 2016-17	Workload	Workload Standard	Basis for Standard
3.0 Water Resource Control Engineers	<ul style="list-style-type: none"> Conduct complex hydrologic assessments of and evaluation of issues related to existing instream flow information and public trust resources. Perform office investigations to collect and interpret hydrological and other data relating to stream flow, water quantity and quality relationships, and water use. Develop regional instream flow policies and supporting documents for appropriation of water to limit further degradation of impacted streams throughout the State. Present and testify at State Water Board meetings and hearings, as necessary. Prepare water quantity and water quality reports, orders, decisions, and any other documents produced as a result of workshops, hearings, field investigations and adjudicatory proceedings, and coordinate the preparation and adoption of such documents, as appropriate, by the State Water Board and the courts; this includes reports prepared by staff or consultants to comply with the California Environmental Quality Act (CEQA). Coordinate with California Department of Fish and Wildlife and other appropriate state and federal agencies on development of regional policies. Serve as a liaison representing the State Water Board, which includes: coordinating with 	<ul style="list-style-type: none"> 5,328 hours = 3.0 positions Assessment and review of hydrologic research and data will require 650-850 hours per year. Performing office investigations and hydrological assessments will require 650-850 hours per year. The preparation and review of technical documents can be time consuming, especially at the senior level, which is the level primarily responsible for technical accuracy. Detailed review of technical reports can take 1300-1,650 hours per year. The preparation and review of technical documents can be time consuming, especially at the senior level, which is the level primarily responsible for technical accuracy. Detailed review of technical reports can take 800-1,000 hours per year. Coordination with state and federal agencies and serving as a liaison representing the State Water Board and associated work can require 350-450 hours per year depending on stakeholder involvement. 	Based on past State Water Board Division of Water Rights experience.

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Workload

Workload Standard

Basis for Standard

governmental agencies, nonprofit organizations, and other interested parties; attending and speaking at meetings, workshops, or conferences to share the State Water Board's efforts with representatives from the regulated and non-regulated community. Respond to written and verbal inquiries regarding the Unit's work.

- Evaluate the effectiveness of established policies that are intended to ensure that individual and cumulative effects of water diversion and discharges associated with cannabis cultivation do not cause further degradation of impacted streams. This work includes, but is not limited to: (1) assess effectiveness of policies and regional coverage; (2) evaluate new data and other information from adaptive management or new studies; (3) update policies to incorporate more effective measures or new data and information, as needed; and (4) develop additional policies, as needed.
- Develop presentations and briefing materials for controversial or technical aspects of the instream flow work.
- Oversee technical aspects of contracts related to the development of interim flow requirements, regulations, and associated work.

- The evaluation of policy effectiveness can require 700-800 hours per year to ensure work is carried out in an effective and efficient manner.

- Development and presentation of information will require 300-400 hours per year.

- Oversight of technical aspects of contracts will require 300-400 hours per year.

- **1,776 hours = 1.0 position**

1.0 Engineering
Geologist

- Conduct complex hydrologic and geomorphic

- Assessment and review of hydrologic and

Based on past State Water

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Positions Requested FY 2016-17	Workload	Workload Standard	Basis for Standard
	<p>assessments of and evaluation of issues related to existing instream flow information and public trust resources.</p> <ul style="list-style-type: none"> • Perform office investigations to collect and interpret geomorphological and other data relating to stream flow, water quantity and quality relationships, and water use. • Develop regional instream flow policies and supporting documents for appropriation of water to limit further degradation of impacted streams throughout the State. Present and testify at State Water Board meetings and hearings, as necessary. • Prepare water quantity and water quality reports, orders, decisions, and any other documents produced as a result of workshops, hearings, field investigations and adjudicatory proceedings, and coordinate the preparation and adoption of such documents, as appropriate, by the State Water Board and the courts; this includes reports prepared by staff or consultants to comply with the California Environmental Quality Act (CEQA). • Coordinate with California Department of Fish and Wildlife and other appropriate state and federal agencies on development of regional policies. Serve as a liaison representing the State Water Board, which includes: coordinating with governmental agencies, nonprofit organizations, and other interested parties; attending and speaking at meetings, workshops, or conferences 	<p>geomorphic research and data will require 250-300 hours per year.</p> <ul style="list-style-type: none"> • Performing office investigations and geomorphological assessments will require 250-300 hours per year. • The preparation and review of technical documents can be time consuming, especially at the senior level, which is the level primarily responsible for technical accuracy. Detailed review of technical reports can take 500-600 hours per year. • The preparation and review of technical documents can be time consuming, especially at the senior level, which is the level primarily responsible for technical accuracy. Detailed review of technical reports can take 300-350 hours per year. • Coordination with state and federal agencies and serving as a liaison representing the State Water Board and associated work can require 150-200 hours per year depending on stakeholder involvement. 	<p>Board Division of Water Rights experience.</p>

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Positions Requested FY 2016-17	Workload	Workload Standard	Basis for Standard
	<p>to share the State Water Board's efforts with representatives from the regulated and non-regulated community. Respond to written and verbal inquiries regarding the Unit's work.</p> <ul style="list-style-type: none"> Evaluate the effectiveness of established policies that are intended to ensure that individual and cumulative effects of water diversion and discharges associated with cannabis cultivation do not cause further degradation of impacted streams. This work includes, but is not limited to: (1) assess effectiveness of policies and regional coverage; (2) evaluate new data and other information from adaptive management or new studies; (3) update policies to incorporate more effective measures or new data and information, as needed; and (4) develop additional policies, as needed. Develop presentations and briefing materials for controversial or technical aspects of the instream flow work. Oversee technical aspects of contracts related to the development of interim flow requirements, regulations, and associated work. 	<ul style="list-style-type: none"> The evaluation of policy effectiveness can require 250-300 hours per year to ensure work is carried out in an effective and efficient manner. Development and presentation of information will require 75-100 hours per year. Oversight of technical aspects of contracts will require 166 hours per year. 	
Additional Staff			
1.0 Associate Governmental Program Analyst (AGPA)	<ul style="list-style-type: none"> Assist with development of statewide program policies, procedures, forms and necessary language for the implementation of the enacted Statutory Obligations to Protect Water Quality and Instream Flows Related to Cannabis Cultivation 	<p>1,776 = 1.0 position</p> <ul style="list-style-type: none"> Oversight and review of policies, contracts, reports, administrative records, program budget and analysis 	<ul style="list-style-type: none"> Based on past State Water Board Division of Water Rights experience.

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Positions Requested FY 2016-17	Workload	Workload Standard	Basis for Standard
	<ul style="list-style-type: none"> • Create, enhance and maintain procedures to effectively track and monitor projects; analyze, research, and compile detailed program –specific information and provide feedback and recommendations to management; provide programmatic and administrative services to staff. <p>Analyze contract needs to ensure administrative requirements are met and make recommendations for funding approval; consult with and direct all levels of program staff and management regarding contract proposal development ensuring every requirement of the contract process is met; coordinate and provide guidance to technical staff in the development of project request for contracts; Identify and research contract and programmatic problems and recommend corrective actions; approve, process and track contract invoices and expenditures.</p> <p>Coordinate functions with Program staff, Accounting, and Budget Offices, and control agencies as appropriate.</p> <ul style="list-style-type: none"> • Assist in the development of informational documents to communicate the Water Board's water right programs to stakeholders, the Legislature, and the general public. • Assist in the Review public notices, letters, and technical documents for consistency with administrative and legal requirements. 	<p>will require 150 to 300 hours per year.</p> <ul style="list-style-type: none"> • Oversight of administrative aspects of budget, contracts and participation on related advisory groups will require between 600 to 976 hours per year. 	<ul style="list-style-type: none"> • Based on past State Water Board Division of Water Rights experience.

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Positions Requested FY 2016-17	Workload	Workload Standard	Basis for Standard
New Permitting Unit		<ul style="list-style-type: none"> Development and presentation of information will require between 100 to 250 hours per year. Assisting in the development of documents will require between 100 to 250 hours per year. 	<ul style="list-style-type: none"> Based on past State Water Board Division of Water Rights experience. Based on past State Water Board Division of Water Rights experience.
1.0 Senior Water Resources Control Engineer	<ul style="list-style-type: none"> Supervise, direct, and review the work of staff in the Statewide Instream Policies Section, including the scientific, water quality, hydrologic, engineering, and other elements needed to develop and implement regional instream flow policies for cannabis cultivation areas throughout California. This includes review and oversight of technical documents on hydrologic conditions, fishery and other resources, analyses of existing water rights and associated beneficial uses of water, California Environmental Quality Act documents, and the overall regional policies. <p>Coordinate internally with the Water Quality Certification and Public Trust Section and the Permitting Section to ensure efforts work across programs and are as efficient as possible. Coordinate with key agencies (e.g., California</p>	<ul style="list-style-type: none"> 1,776 hours = 1.0 position Activities associated with supervision of other staff can require 700 hours per year, depending on the nature of the work and the previous expertise of staff. Because water rights is a very specialize. Coordination with internal key agencies and oversight of outreach efforts, including preparation, facilitation and participation at public meetings can take 450 hours per year. 	

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Positions Requested FY 2016-17	Workload	Workload Standard	Basis for Standard
	<p>Department of Fish and Wildlife, National Marine Fisheries Service, applicable Regional Water Quality Control Boards) and oversee stakeholder outreach efforts, which may include facilitation of meetings.</p> <p>Work closely with and receive direction from Division of Water Rights management, Executive staff and Board members on the development of the regional instream flow policies and other related instream flow and water rights actions.</p> <p>Participate in Board meetings, workshops, hearings, and all briefings with Board members and Executive staff related to the development and adoption of the regional instream flow policies. Work with the Office of Chief Counsel to prepare and respond to litigation, if necessary.</p>		
3.0 Environ. Scientists	<ul style="list-style-type: none"> Conduct complex biological assessments of and evaluation of issues related to existing instream flow information and public trust resources. Develop regional instream flow policies and supporting documents for appropriation of water to limit further degradation of impacted streams throughout the State. Present and testify at State Water Board meetings and hearings, as necessary. 	<p>Program management and review of technical documents and supporting information can take 276 hours per year.</p> <ul style="list-style-type: none"> The complex nature of developing regional policies that address the variable conditions throughout California, as well as the contentious nature of water rights in California, will likely lead to litigation. Preparation of board briefings, meetings and workshops, as well as responding to litigation can take 350 hours per year. 5,328 hours =3.0 positions Assessment and review of biological research and data will require 840 hours per year. Performing office investigations and biological assessments will require 840 hours per year. The preparation and review of technical documents can be time consuming, especially at the senior level, which is the level primarily responsible for technical accuracy. Detailed review of technical reports can take 1870 hours per year. 	

**STATE WATER RESOURCES CONTROL BOARD
FISCAL YEAR 2016-17
BUDGET CHANGE PROPOSAL**

**AB 243 MEDICAL MARIJUANA BCP
WORKLOAD MATRIX**

**Positions
Requested FY
2016-17**

Workload

Workload Standard

Basis for Standard

3.0 Water
Resource
Control
Engineers

- Prepare water quantity and water quality reports, orders, decisions, and any other documents produced as a result of workshops, hearings, field investigations and adjudicatory proceedings, and coordinate the preparation and adoption of such documents, as appropriate, by the State Water Board and the courts; this includes reports prepared by staff or consultants to comply with the California Environmental Quality Act (CEQA).

- The preparation and review of technical documents can be time consuming, especially at the senior level, which is the level primarily responsible for technical accuracy. Detailed review of technical reports can take 1050 hours per year.

5,328 hours =3.0 positions

- Conduct complex hydrologic assessments of and evaluation of issues related to existing instream flow information and public trust resources.
- Perform office investigations to collect and interpret hydrological and other data relating to stream flow, water quantity and quality relationships, and water use.
- Develop regional instream flow policies and supporting documents for appropriation of water to limit further degradation of impacted streams throughout the State. Present and testify at State Water Board meetings and hearings, as necessary.
- Prepare water quantity and water quality reports, orders, decisions, and any other documents produced as a result of workshops, hearings, field investigations and adjudicatory proceedings, and coordinate the preparation and adoption of such documents, as appropriate, by the State Water

- Assessment and review of hydrologic research and data will require 940 hours per year
- Performing office investigations and hydrological assessments will require 940 hours per year.
- The preparation and review of technical documents can be time consuming, especially at the senior level, which is the level primarily responsible for technical accuracy. Detailed review of technical reports can take 1,804 hours per year.
- The preparation and review of technical documents can be time consuming, especially at the senior level, which is the level primarily responsible for technical accuracy. Detailed review of technical reports can take 1,140 hours

Based on past State Water Board Division of Water Rights experience.

**STATE WATER RESOURCES CONTROL BOARD
FISCAL YEAR 2016-17
BUDGET CHANGE PROPOSAL**

**AB 243 MEDICAL MARIJUANA BCP
WORKLOAD MATRIX**

Positions Requested FY 2016-17	Workload	Workload Standard	Basis for Standard
	Board and the courts; this includes reports prepared by staff or consultants to comply with the California Environmental Quality Act (CEQA).	per year.	
	<ul style="list-style-type: none"> • Coordinate with California Department of Fish and Wildlife and other appropriate state and federal agencies on development of regional policies. Serve as a liaison representing the State Water Board, which includes: coordinating with governmental agencies, nonprofit organizations, and other interested parties; attending and speaking at meetings, workshops, or conferences to share the State Water Board's efforts with representatives from the regulated and non-regulated community. Respond to written and verbal inquiries regarding the Unit's work. • Evaluate the effectiveness of established policies that are intended to ensure that individual and cumulative effects of water diversion and discharges associated with cannabis cultivation do not cause further degradation of impacted streams. This work includes, but is not limited to: (1) assess effectiveness of policies and regional coverage; (2) evaluate new data and other information from adaptive management or new studies; (3) update policies to incorporate more effective measures or new data and information, as needed; and (4) develop additional policies, as needed. • Develop presentations and briefing materials for controversial or technical aspects of the instream flow work. 	<ul style="list-style-type: none"> • Coordination with state and federal agencies and serving as a liaison representing the State Water Board and associated work can require 540 hours per year depending on stakeholder involvement. • The evaluation of policy effectiveness can require 940 hours per year to ensure work is carried out in an effective and efficient manner. • Development and presentation of information will require 400 hours per year. 	

**STATE WATER RESOURCES CONTROL BOARD
FISCAL YEAR 2016-17
BUDGET CHANGE PROPOSAL**

**AB 243 MEDICAL MARIJUANA BCP
WORKLOAD MATRIX**

Positions Requested FY 2016-17	Workload	Workload Standard	Basis for Standard
	<ul style="list-style-type: none"> Oversee technical aspects of contracts related to the development of interim flow requirements, regulations, and associated work. 	<ul style="list-style-type: none"> Oversight of technical aspects of contracts will require 400 hours per year. 	

22.0 PYs Total